

16179 U.S. PTO  
111803

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                       |   |  |
|-----------------------|---|--|
| In the application of | ) |  |
|                       | ) |  |
| WILLIS J. MULLET and  | ) |  |
| GREGORY M. RUSNAK     | ) |  |
|                       | ) |  |
| Serial No.            | ) |  |
|                       | ) |  |
| Filed:                | ) |  |
|                       | ) |  |
| For: UPWARD ACTING    | ) | Attorney Docket No. <u>WAY.P.US0046A</u> |
| SECTIONAL DOOR        | ) |  |
|                       | ) |  |

22581 U.S. PTO  
10/715973  
111803

**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53 (b)**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53 (b). The divisional application is being filed concurrently herewith.

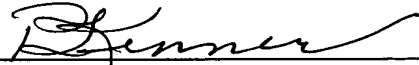
1. This divisional application gains priority under 35 U.S.C. § 120 from a co-pending application, U.S. Serial No. 09/710,253 filed on November 10, 2000, and sets forth claims 33-68 of that application constituting a non-elected invention under a requirement for restriction.
2. The accompanying divisional application has not been amended to add new matter. The application, however, has been amended to disclose its status as a divisional application by inserting before the first line the sentence: This application is a divisional of U.S. Serial No. 09/710,253 filed on November 10, 2000. 37 C.F.R. § 1.78(a)(2). Typographical and clarifying corrections may have been made to the specification and claims without adding new matter.
3. The entire disclosure of the prior co-pending application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference in the subject divisional case.
4. Accompanying this request is a copy of the COMBINED DECLARATION AND POWER OF ATTORNEY as originally filed in U.S. Serial No. 09/710,253, from which this divisional case ultimately gains priority. 37 C.F.R. §1.63 (d).

5. This divisional application names as inventors the same or fewer than all of the inventors named in the prior co-pending application.
6. The prior co-pending application is assigned of record to Wayne-Dalton Corp.
7. The Power of Attorney in the prior application is to Reese Taylor (Reg. No. 22,325); Phillip L. Kenner (Reg. No. 22,353); Edward G. Greive (Reg. No. 24,726); Donald J. Bobak (Reg. No. 27,182); Ray L. Weber (Reg. No. 26,519); Joseph G. Curatolo (Reg. No. 28,837); Rodney L. Skoglund (Reg. No. 36,010); Andrew B. Morton (Reg. No. 37,400); Arthur M. Reginelli (Reg. No. 40,139); Shannon V. McCue (Reg. No. 42,859); John J. Cuniff (Reg. No. 42,451), and Mark L. Weber (Reg. No. 46,069), as set forth in the copy of the COMBINED DECLARATION AND POWER OF ATTORNEY, submitted herewith.
8. Please address all future correspondence to:  
 Phillip L. Kenner, Esq.  
 RENNER, KENNER, GRIEVE, BOBAK, TAYLOR & WEBER  
 First National Tower, Fourth Floor  
 Akron, OH 44308-1456
9. The filing fee for this divisional application has been calculated as shown below:

|                                   |              |              |      |          | Other Than A<br>Small Entity |       |            |
|-----------------------------------|--------------|--------------|------|----------|------------------------------|-------|------------|
| Small Entity                      |              |              |      |          |                              |       |            |
| For:                              | No.<br>Filed | No.<br>Extra | Rate | Fee      | Or                           | Rate  | Fee        |
| Basic Fee                         |              |              |      | \$385.00 |                              |       | \$770.00   |
| Total Claims                      | 36-20        | 16           | x9   | \$       |                              | x18   | \$144.00   |
| Indep Claims                      | 4-3          | 1            | x43  | \$       |                              | x86   | \$ 86.00   |
| ___ Multiple Dep. Claim Presented |              |              | +145 | \$       |                              | 290   | \$         |
| Total                             |              |              |      | \$       |                              | Total | \$1,000.00 |
|                                   |              |              |      |          |                              |       |            |

10. A check in the amount of \$1,000.00 to cover this filing fee is enclosed.
11. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 18-0987.
12. The Commissioner is hereby authorized to treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. § 1.136 for its timely submission, as incorporating a Petition for Extension of Time for the appropriate length of time. 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,



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Phillip L. Kenner, Reg. No. 22,353  
RENNER, KENNER, GREIVE, BOBAK,  
TAYLOR & WEBER  
First National Tower, Fourth Floor  
Akron, Ohio 44308  
(330) 376-1242  
Attorneys for Applicant

Date: November 18, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIS J. MULLET and )  
GREGORY M. RUSNAK )  
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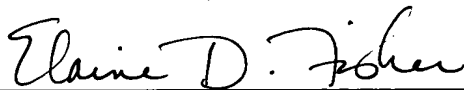
**TRANSMITTAL SHEET**

Mail Stop PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I HEREBY CERTIFY that the following documents were deposited with the United States Postal Service, Express Mail Post Office to Address Service, EXPRESS MAIL LABEL NO. EL726133935US, addressed to: Mail Stop PATENT APPLICATION, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, this 18<sup>th</sup> day of November, 2003:

Request for Filing a Divisional Application;  
Copy of Declaration and Power of Attorney as filed with USSN  
09/710,253 filed on November 10, 2000;  
Specification (33 pp), Claims (5 pp.) and Abstract (1 p.);  
24 sheets of formal drawings containing Figs. 1-23;  
Check in the amount of \$1,000.00 for filing fee; and  
Return Receipt Postcard.

  
Elaine D. Fisher  
Assistant to Phillip L. Kenner  
RENNER, KENNER, GREIVE, BOBAK,  
TAYLOR & WEBER  
First National Tower, Fourth Floor  
Akron, OH 44308-1456  
Telephone: (330) 376-1242  
Attorneys for the Applicant

Date: November 18, 2003